

## **REMARKS**

This Amendment responds to the Office Action dated September 20, 2004. A petition and fee for a two-month extension of time are included herewith. Applicants hereby request reconsideration of the objections/rejections set forth in the Office Action in view of these remarks.

In the claims, the Examiner rejected claims 1-5 under 35 U.S.C. 103(a) as being patentable over Chen (U.S. 5,615,298) in view of Gustafsson et al. (U.S. 6,459,914). This rejection is traversed.

Chen sets forth a method to replace lost packets using information from LPC to determine the pitch of voiced speech. Chen uses the LPC excitation signal from previous frames to generate the excitation signal for the lost packet. In contrast, claims 1 and 3 recite the use of white noise applied to the filter for generating a noise packet.

Examiner concedes that Chen teaches adding white noise as a correction procedure by increasing the power spectral energy and alleviating ill-conditioning (see cols 14-17). However, the use of white noise as a correction factor, as taught by Chen, is not the equivalent of using white noise as the filter excitation signal for the purpose of generating lost packets, as recited in the claims of the current application. Indeed, Chen specifically teaches away from the use of white noise as the filter excitation signal by specifically teaching the use of the LPC excitation signal from previous frames in order to generate lost packets.

Gustafsson is cited for teaching the estimation of power spectrum of background noise. However, the power spectrum estimate provided by Gustafsson is used for a completely different application than the present invention. According to Gustafsson, the noise background is estimated during periods of silence, and, when speech is present, the noise estimate is subtracted

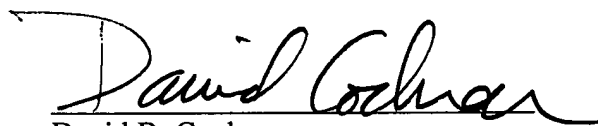
from the speech in order to improve the signal-to-noise ratio. This has absolutely nothing to do with compensating for lost packets in a packet based voice communication system, as provided for in the claims of the present application.

Accordingly, not every element of claims 1 and 3 are disclosed or made obvious by the cited references. Claims 2, 4, and 5 are dependent upon claims 1 and 3, thus claims 2, 4, and 5 are also not obvious.

The Applicant respectfully requests the withdrawal of the rejections in light of the aforementioned arguments. It is believed that the application, as now presented, is in condition for allowance.

Respectfully submitted,

JONES DAY

A handwritten signature in black ink, reading "David Cochran". The signature is written in a cursive style with a large, stylized "D" and "C".

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